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[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]

DECISION

FOO/143988

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 20, 2012, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on October 16, 2012, at Milwaukee, Wisconsin.

The issue for determination is whether the Milwaukee Enrollment Services (the agency) correctly terminated Petitioner's FoodShare benefits effective September 1, 2012.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703

By: Monica Howse  
Milwaukee Enrollment Services  
1220 W Vliet St  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Mayumi M. Ishii  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On July 24, 2012, Petitioner completed an on-line ACCESS application for FoodShare benefits. (Exhibit 6)

3. On July 30, 2012, the agency sent Petitioner a notice, indicating that he would be receiving \$45.00 in FoodShare benefits for July 2012 and \$200 in benefits for August 2012. The notice further informed the Petitioner that he would need to complete an interview and provide verification of certain information, if he wanted to continue getting benefits after August 2012. (Exhibit 5)
4. On July 30, 2012, the agency also sent Petitioner a Notice of Proof needed, indicating that he needed to provide verification of his income by August 24, 2012. (Exhibit 7)
5. Petitioner provided the employer verification of earnings form (the EVFE) to his employer. However, the employer did not complete the form until September 18, 2012 and the employer did not submit the form until September 21, 2012. (Exhibit 13)
6. Because Petitioner did not provide the EVFE in a timely manner, his FoodShare case closed effective September 1, 2012. (Exhibit 3).

### **DISCUSSION**

Gross income must be verified for all food unit members, prior to certification. *FoodShare Handbook (FSH)* §1.2.4.1 “Requests for verification MUST be made in writing and the agency must give the client at least 10 days to supply requested verification and it must advise the client of the consequences of failing to provide the requested verification. *FSH* §1.2.1 and §1.2.1; 7 *CFR* 273.2(c)(5) The responsibility for supplying verification then rests on the recipient. *FSH* §1.2.1.3. When requested income verification is not timely received, the agency may correctly close the case. *FSH* §1.2.1.2

In the case at hand, the agency sent Petitioner a notice on July 30, 2012, stating that he needed to provide income verification by August 24, 2012. The notice further stated, “If you do not provide the proof by the due date, benefits will be denied, decreased, or ended.” (Exhibit 7, pg. 1) It is undisputed that Petitioner did not provide the requested verification by the August 24, 2012 deadline. The EVFE was not provided to the agency until September 21, 2012. Accordingly, it is found that the agency correctly denied Petitioner’s application for FoodShare benefits.

### **CONCLUSIONS OF LAW**

The agency correctly denied Petitioner’s request for FoodShare Benefits.

**THEREFORE, it is**

**ORDERED**

That the Petitioner is dismissed.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

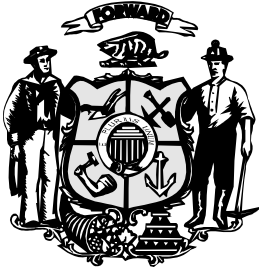
For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 8th day of November, 2012

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Mayumi M. Ishii  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on November 8, 2012.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability